

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

1902 PENN AVENUE, SUNNYSIDE,  
WASHINGTON, TOGETHER WITH ALL  
APPURTENANCES, FIXTURES,  
ATTACHMENTS, AND IMPROVEMENTS  
THERE TO AND THEREUPON,

Defendant.

NO. CV-07-3089-EFS

**ORDER DISMISSING CASE WITH  
PREJUDICE AND CLOSING FILE**

This matter comes before the Court on the United States Attorney's Office's (USAO) Motion to Dismiss Civil Forfeiture Complaint, ECF No. [119](#). The USAO asks the Court to dismiss this matter with prejudice and without an award of costs or attorney's fees to either party.<sup>1</sup> Having reviewed the USAO's submission, the record in this matter, and applicable authority, the Court is fully informed and finds good cause to grant the USAO's motion.

<sup>1</sup> The USAO requests that this action be dismissed pursuant to Federal Rule of Criminal Procedure 41(a)(1)(A)(ii), but that provision only authorizes dismissal without a court order upon the filing of "a stipulation of dismissal signed by all parties who have appeared." Accordingly, the Court construes the USAO's motion as a Rule 41(a)(2) motion for dismissal by court order.

Accordingly,, **IT IS HEREBY ORDERED:**

2. This matter is **DISMISSED with prejudice** and without an award of costs or attorney's fees to either party. Nothing in this Order prevents Plaintiff's former counsel Mr. Egan from submitting a CJA voucher for his services.

4. This file shall be **CLOSED**.

**DATED** this 27<sup>th</sup> day of March 2012.

S/ Edward F. Shea

United States District Judge